Fill in t	his informa	tion to identify your case:						
Debtor	1	Jacob P. LoTurco						
Debtor	2	First Name Middle Name Last Name						
!	e, if filing)	First Name Middle Name Last Name						
		cruptcy Court for the: WESTERN DISTRICT OF NEW YORK		s an amended plan, and sections of the plan that				
Case nu	ımber:	2-19-20083	have been cha					
(If known	1)							
	al Form ter 13 P		1	12/17				
Part 1:	Notices							
To Debt	tor(s):	This form sets out options that may be appropriate in some cases, but the prindicate that the option is appropriate in your circumstances or that it is per do not comply with local rules and judicial rulings may not be confirmable.						
		In the following notice to creditors, you must check each box that applies						
To Cred	litors:	Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.						
		If you oppose the plan's treatment of your claim or any provision of this plan, yo confirmation at least 7 days before the date set for the hearing on confirmation, u Court. The Bankruptcy Court may confirm this plan without further notice if no a Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim	nless otherwise ordered objection to confirmatio	by the Bankruptcy n is filed. See				
		The following matters may be of particular importance. Debtors must check one plan includes each of the following items. If an item is checked as "Not Include will be ineffective if set out later in the plan.						
1.1		n the amount of a secured claim, set out in Section 3.2, which may result in payment or no payment at all to the secured creditor	<b>✓</b> Included	☐ Not Included				
1.2	Avoidan	ce of a judicial lien or nonpossessory, nonpurchase-money security interest, a Section 3.4.	Included	<b>✓</b> Not Included				
1.3		lard provisions, set out in Part 8.	☐ Included	<b>✓</b> Not Included				
Part 2:	Plan Pa	yments and Length of Plan						
2.1	Debtor(s	) will make regular payments to the trustee as follows:						
<b>\$600</b> pe	er <u>Month</u> f	or <u>60</u> months						
Insert ac	dditional lii	nes if needed.						
	If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.							
2.2	Regular	payments to the trustee will be made from future income in the following ma	nner.					
	Check all	that apply: Debtor(s) will make payments pursuant to a payroll deduction order. Debtor(s) will make payments directly to the trustee. Other (specify method of payment):						
	me tax ref	unds.						
Chec	ck one. ✓	Debtor(s) will retain any income tax refunds received during the plan term.						

Chapter 13 Plan APPENDIX D Page 1

Debtor		Jacob P. LoTurco		Case	number _	2-19-20083				
		Debtor(s) will supply the tru return and will turn over to the					of filing the			
		Debtor(s) will treat income r	Debtor(s) will treat income refunds as follows:							
	itional pa	nyments.								
Chee	₩.	None. If "None" is checked,	the rest of § 2.4 need no	t be completed or rep	roduced.					
2.5	The tota	al amount of estimated paym	ents to the trustee prov	vided for in §§ 2.1 an	d 2.4 is \$ <u>36,0</u>	<u>00.00</u> .				
Part 3:	Treatn	nent of Secured Claims								
3.1	Mainter	nance of payments and cure	of default, if any.							
	Check o  ↓ ✓	None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.  The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor(s).								
Name o	f Credito	or Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest rate on arrearag (if applicable	e on arrearage	t Estimated total payments by trustee			
Fairpo Saving	rt s Bank	RE - 39 Union Hill Dr.	\$854.00  Disbursed by:  Trustee	Prepetition: \$0.00	0.00%	\$0.00	\$0.00			
Insert ad	ditional c	claims as needed.	✓ Debtor(s)							
3.2	Request	t for valuation of security, pa	nyment of fully secured	claims, and modifica	ation of under	secured claims. Check	one.			
		None. If "None" is checked, The remainder of this parag				f this plan is checked.				
The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed <i>Amo secured claim</i> . For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim is a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.						ed <i>Amount of</i> ecured claim				
		The portion of any allowed of this plan. If the amount of treated in its entirety as an ut creditor's total claim listed of	a creditor's secured clainsecured clainsecured claim under Pa	m is listed below as h rt 5 of this plan. Unles	aving no value ss otherwise or	e, the creditor's allowed dered by the court, the	claim will be			
		The holder of any claim liste property interest of the debto			l Amount of se	cured claim will retain	the lien on the			
		(a) payment of the underlyin	g debt determined under	nonbankruptcy law, o	or					
		(b) discharge of the underlyi	ng debt under 11 U.S.C.	§ 1328, at which time	the lien will t	erminate and be release	d by the creditor.			

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
Carmax Auto Finance	\$13,708.0 0	2011 Audi A4	\$13,208.00	\$0.00	\$13,208.00	5.75%	\$253.82	\$15,228.8 7

Insert additional claims as needed.

_	_	~ -				~ ~	
3	.3	Secured	claims	excluded from	-11	U.S.C.	8 506.

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

#### 3.4 Lien avoidance.

✓

Check one.

**None.** *If "None" is checked, the rest of § 3.4 need not be completed or reproduced.* 

### 3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

# Part 4: Treatment of Fees and Priority Claims

#### 4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

## 4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be  $\underline{9.00}$ % of plan payments; and during the plan term, they are estimated to total \$3,240.00.

### 4.3 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$3,600.00.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor(s) estimate the total amount of other priority claims to be \$6,759.00

# 4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

**√** 

**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

### Part 5: Treatment of Nonpriority Unsecured Claims

# 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply*.

The sum of \$ .

\_\_\_\_\_% of the total amount of these claims, an estimated payment of \$\_\_\_\_\_

Debt	tor Jacob P. LoTurco	Case numl	per <b>2-19-20083</b>
J	▼ The funds remaining after disbursements h	nave been made to all other creditors provided	for in this plan.
	,		
		d under chapter 7, nonpriority unsecured claims checked above, payments on allowed nonp	ms would be paid approximately riority unsecured claims will be made in at least
5.2	Maintenance of payments and cure of any	default on nonpriority unsecured claims.	Check one.
	<b>None.</b> If "None" is checked, the re	st of § 5.2 need not be completed or reproduc	ed.
5.3	Other separately classified nonpriority un	secured claims. Check one.	
	<b>None.</b> If "None" is checked, the re	st of § 5.3 need not be completed or reproduc	ed.
Part	6: Executory Contracts and Unexpired Leas	ses	
6.1	The executory contracts and unexpired leases are rejecte	ases listed below are assumed and will be to d. Check one.	reated as specified. All other executory
	None. If "None" is checked, the re	st of § 6.1 need not be completed or reproduc	ed.
Part	7: Vesting of Property of the Estate		
7.1	Property of the estate will vest in the debte	or(s) upon	
C	Theck the appliable box:   ✓ plan confirmation.		
	entry of discharge. other:		
Part	8: Nonstandard Plan Provisions		
8.1	Check "None" or List Nonstandard Plan None. If "None" is checked, the re	<b>Provisions</b> st of Part 8 need not be completed or reprodu	uced.
Part	9: Signature(s):		
	Signatures of Debtor(s) and Debtor(s)' At Debtor(s) do not have an attorney, the Debtor(s), must sign below.		n $a$ $a$ $b$ $a$ $b$ $a$ $b$ $b$ $b$ $b$ $b$ $b$ $b$ $b$ $a$ $b$
	/s/ Jacob P. LoTurco Jacob P. LoTurco	X Signature of Debtor 2	
	Signature of Debtor 1	Signature of Debtor 2	
	Executed on March 15, 2019	Executed on	
	/s/ David H. Ealy	Date March 15, 2019	
	David H. Ealy, Esq. 2020832 NY Signature of Attorney for Debtor(s)		

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

# **Exhibit: Total Amount of Estimated Trustee Payments**

Debtor

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$0.00
b.	Modified secured claims (Part 3, Section 3.2 total)	\$15,228.87
c.	Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$0.00
d.	Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$0.00
e.	Fees and priority claims (Part 4 total)	\$13,599.00
f.	Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$7,172.13
g.	Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$0.00
h.	Separately classified unsecured claims (Part 5, Section 5.3 total)	\$0.00
i.	Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$0.00
j.	Nonstandard payments (Part 8, total) +	\$0.00
Tot	al of lines a through j	\$36,000.00

Fill in the Debtor		ation to identify your case:  Jacob P. LoTurco					
		First Name Middle Name Last Name					
Debtor 2		First Name Middle Name Last Name					
	, if filing) States Ban	kruptcy Court for the: WESTERN DISTRICT OF NEW YORK	☐ Check if this	is an amended plan, and			
Case nu		2-19-20083	list below the have been cha	sections of the plan that inged.			
(If known)	)	<u> </u>					
	al Form						
Chapt	er 13 P	lan		12/17			
Part 1:	Notices						
To Debt	or(s):	This form sets out options that may be appropriate in some cases, but the prindicate that the option is appropriate in your circumstances or that it is per do not comply with local rules and judicial rulings may not be confirmable.					
		In the following notice to creditors, you must check each box that applies					
To Cred	itors:	Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.					
		If you oppose the plan's treatment of your claim or any provision of this plan, you confirmation at least 7 days before the date set for the hearing on confirmation, up Court. The Bankruptcy Court may confirm this plan without further notice if no confirmation, you may need to file a timely proof of claim in the set of the plan's treatment of the plan's treatment of the plan's treatment of your claim or any provision of this plan, you confirmation, the plan's treatment of your claim or any provision of this plan, you confirmation at least 7 days before the date set for the hearing on confirmation, upon the plan's treatment of your claim or any provision of this plan, you confirmation at least 7 days before the date set for the hearing on confirmation, upon the plan's treatment of your claim or any provision of this plan, you confirmation at least 7 days before the date set for the hearing on confirmation, upon the plan's treatment of your claim or any provision of this plan without further notice if no confirmation at least 7 days before the date set for the hearing on confirmation.	nless otherwise ordered objection to confirmatio	by the Bankruptcy n is filed. See			
		The following matters may be of particular importance. Debtors must check one plan includes each of the following items. If an item is checked as "Not Include will be ineffective if set out later in the plan.					
1.1		on the amount of a secured claim, set out in Section 3.2, which may result in payment or no payment at all to the secured creditor	■ Included	☐ Not Included			
1.2	Avoidan	ce of a judicial lien or nonpossessory, nonpurchase-money security interest, a Section 3.4.	□ Included	■ Not Included			
1.3	Nonstan	lard provisions, set out in Part 8.	□ Included	■ Not Included			
Part 2:	Plan Pa	yments and Length of Plan					
2.1		s) will make regular payments to the trustee as follows:					
<b>\$600</b> per		for <u>60</u> months					
		nes if needed.					
		than 60 months of payments are specified, additional monthly payments will be mast to creditors specified in this plan.	ade to the extent necess	ary to make the			
2.2	Regular	payments to the trustee will be made from future income in the following man	nner.				
	Check al	l that apply: Debtor(s) will make payments pursuant to a payroll deduction order. Debtor(s) will make payments directly to the trustee. Other (specify method of payment):					
2.3 Incom	me tax rel	funds.					
Chec	k one. □	Debtor(s) will retain any income tax refunds received during the plan term.					

Chapter 13 Plan APPENDIX D Page 1

Debtor	_ <u>J</u>	lacob P. LoTurco		Case	number	2-19-20083				
		Debtor(s) will supply the true return and will turn over to the					ys of filing the			
		Debtor(s) will treat income refunds as follows:								
2.4 Addi	tional pa k one.	yments.								
Crico	<b>.</b>	None. If "None" is checked,	the rest of § 2.4 need no	t be completed or rep	roduced.					
2.5	The tota	al amount of estimated paym	ents to the trustee prov	vided for in §§ 2.1 an	d 2.4 is \$ <u>36</u>	<b>,000.00</b> .				
Part 3:	Treatn	nent of Secured Claims								
3.1	Mainter	nance of payments and cure	of default, if any.							
	•	None. If "None" is checked, The debtor(s) will maintain trequired by the applicable coby the trustee or directly by the disbursements by the trustee, a proof of claim filed before as to the current installment pelow are controlling. If relie otherwise ordered by the couthat collateral will no longer by the debtor(s).	the current contractual insontract and noticed in contract and noticed in contract the debtor(s), as specified, with interest, if any, at the filing deadline under payment and arrearage. It is from the automatic stayert, all payments under the treated by the plan. The	stallment payments or aformity with any app of below. Any existing the rate stated. Unless Bankruptcy Rule 300 on the absence of a cor y is ordered as to any is paragraph as to that	n the secured licable rules arrearage of otherwise of (2(c) control attrary timely item of coll- trations are to the collateral v	These payments will be a listed claim will be redered by the court, the lover any contrary amore filed proof of claim, the ateral listed in this para will cease, and all securor ments disbursed by the	be disbursed either paid in full through amounts listed on punts listed below the amounts stated graph, then, unless ed claims based on a trustee rather than			
Name o	f Credito	or Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Interest ra on arreara (if applical	age on arrearage	ent Estimated total payments by trustee			
Fairpor Saving		RE - 39 Union Hill Dr.	\$854.00	Prepetition: <b>\$0.00</b>	0.00%	\$0.00	0 \$0.00			
Ouving	3 Dulik		Disbursed by: ☐ Trustee ☐ Debtor(s)	Ψ0.00						
Insert ad		claims as needed.								
3.2	Request	t for valuation of security, pa	yment of fully secured	claims, and modifica	ntion of und	lersecured claims. Che	ck one.			
		None. If "None" is checked, The remainder of this parag				of this plan is checked	<u>!</u>			
	The debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the debtor(s) state that the value of the secured claim should be as set out in the column headed <i>Amount of secured claim</i> . For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.									
		The portion of any allowed co of this plan. If the amount of treated in its entirety as an un creditor's total claim listed o	a creditor's secured clain nsecured claim under Par	m is listed below as hart 5 of this plan. Unles	aving no val s otherwise	ue, the creditor's allow ordered by the court, th	ed claim will be			

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property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

The holder of any claim listed below as having value in the column headed Amount of secured claim will retain the lien on the

(b) discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
Carmax Auto Finance	\$13,708.0 0	2011 Audi A4	\$13,208.00	\$0.00	\$13,208.00	5.75%	\$253.82	\$15,228.8 7

Insert additional claims as needed.

## 3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

### 3.4 Lien avoidance.

Check one.

**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

#### 3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

# Part 4: Treatment of Fees and Priority Claims

## 4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

### 4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be  $\underline{9.00}$ % of plan payments; and during the plan term, they are estimated to total 3.240.00.

### 4.3 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$3,600.00.

### 4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

- None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
- The debtor(s) estimate the total amount of other priority claims to be **\$6,759.00**

## 4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

**None.** *If "None" is checked, the rest of § 4.5 need not be completed or reproduced.* 

# Part 5: Treatment of Nonpriority Unsecured Claims

### 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply*.

☐ The sum of \$

Debto	Jacob P. LoTurco		Case number	2-19-20083	
				n this plan.	
	If the estate of the debtor(s) were liquidated und \$\_77,438.50\ Regardless of the options che this amount.				n at least
5.2	Maintenance of payments and cure of any defa	ult on nonpriority u	nsecured claims. Check	one.	
	None. If "None" is checked, the rest of	§ 5.2 need not be com	pleted or reproduced.		
5.3	Other separately classified nonpriority unsecu	red claims. Check on	2.		
	None. If "None" is checked, the rest of	§ 5.3 need not be com	pleted or reproduced.		
Part 6	<b>Executory Contracts and Unexpired Leases</b>				
5.1	The executory contracts and unexpired leases I contracts and unexpired leases are rejected. Che None. If "None" is checked, the rest of g	neck one.		l as specified. All other executor	y
Part 7 7.1  Ch	Property of the estate will vest in the debtor(s) eck the appliable box: plan confirmation. entry of discharge.				
Part 8	Nonstandard Plan Provisions				
3.1 Part 9	Check "None" or List Nonstandard Plan Provi None. If "None" is checked, the rest of I		npleted or reproduced.		
<b>).1</b> If the L If any, X	Signatures of Debtor(s) and Debtor(s)' Attorned Debtor(s) do not have an attorney, the Debtor(s) must must sign below.  5/ Jacob P. LoTurco acob P. LoTurco ignature of Debtor 1	sign below, otherwise  X	e the Debtor(s) signature nature of Debtor 2	es are optional. The attorney for L	Debtor(s),
E	executed on March 15, 2019	Exec	cuted on		
	s/ David H. Ealy, Esq. David H. Ealy, Esq. 2020832 NY ignature of Attorney for Debtor(s)	Date M	arch 15, 2019		

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

# **Exhibit: Total Amount of Estimated Trustee Payments**

Debtor

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$0.00
b.	Modified secured claims (Part 3, Section 3.2 total)	\$15,228.87
c.	Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$0.00
d.	Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$0.00
e.	Fees and priority claims (Part 4 total)	\$13,599.00
f.	Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$7,172.13
g.	Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$0.00
h.	Separately classified unsecured claims (Part 5, Section 5.3 total)	\$0.00
i.	Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$0.00
j.	Nonstandard payments (Part 8, total) +	\$0.00
Tot	al of lines a through j	\$36,000.00